

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN ADMIRALTY

In the Matter of SARASOTA YOUTH
SAILING PROGRAM, INC., as owner of
the *Caribe I*, a 2011 Caribe DL20 motor vessel
bearing hull identification number
EMDU0004K011 and Florida Registration:
FL 6031, together with its Engines, Tackle,
Appurtenances, Equipment, & Etc., in a
cause for Exoneration from or Limitation of
Liability,

Case No. 8:21-cv-00150-CEH-CPT

Petitioner.

**ORDER APPROVING *AD INTERIM* STIPULATION OF
VALUE AND DIRECTING ISSUANCE OF MONITION AND INJUNCTION**

Before the Court is the Petitioner's *Motion to Approve Ad Interim Stipulation[] and
for a Monition and Injunction*. (Doc. 4). For the reasons discussed below, the
Petitioner's motion is granted as described herein.

I.

Petitioner Sarasota Youth Sailing Program, Inc. (Petitioner) is the owner of a
2011 Caribe DL20 motor vessel (EMDU0004K011) (the Vessel), which was involved
in a maritime incident on or about November 21, 2020, in Sarasota Bay (the Incident).
(Doc. 1 at 2). The Incident allegedly resulted in the death of one sailor and injuries
to other mariners in the area surrounding the vessel. *Id.*

On January 20, 2021, the Petitioner filed a complaint seeking to minimize, if not eliminate altogether, its exposure to any liability arising from the Incident pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 30501–30512, Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (Supplemental Rule F), and Rule 7 of the former Local Rules for the Middle District of Florida.¹ *Id.*

Contemporaneously with the filing of its complaint, the Petitioner submitted an *Ad Interim* Stipulation for Costs and Value (Ad Interim Stipulation) as security for any claims stemming from the Incident. (Doc. 3). The Petitioner represents in the Ad Interim Stipulation that the post-loss value of the Vessel and its pending freight was \$30,000, and that the Federal Insurance Company (FIC) guarantees payment of any potential obligations in this action up to \$30,000. *Id.*

By way of the instant motion, the Petitioner now requests that the Court (1) approve the Ad Interim Stipulation; (2) issue a monition directing all potential claimants to join the action; and (3) impose an injunction under Supplemental Rule F precluding the further prosecution of any proceedings against the Petitioner arising from any claims subject to limitation; and (4) direct any such claimants to file their

¹ The Court notes that former Local Rule 7 is no longer in effect following the adoption of the new Local Rules as of February 1, 2021. Pursuant to new Local Rule 1.03(a), the Admiralty and Maritime Practice Manual now governs admiralty and maritime practice in the Middle District of Florida. M.D. Fla. R. 1.03(a).

claims in accordance with Supplemental Rule F. (Docs. 4, 43).

II.

Upon due consideration of the matter, it is hereby ORDERED:

1. The Ad Interim Stipulation for the value of the Petitioner's interest in the Vessel and its pending freight, in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000) and including court costs and interest at the rate of six percent (6%) per annum from the date hereof, filed by the Petitioner as principal, and FIC as surety, is accepted as adequate security and is approved as to form and quantum.

2. The Petitioner and any claimant who may properly become a party hereto may contest the amount or value of the Petitioner's interest in the Vessel as fixed in the Ad Interim Stipulation; may move the Court for due appraisal of said interest; and may apply to have the amount of said stipulation increased or decreased, as the case may be, upon the Court's determination of the amount or value of said interest or to carry out the provisions of 46 U.S.C. §§ 30501–30512, for personal injuries, property damage, or any other claims resulting from the Incident.

3. If the amount of the Ad Interim Stipulation is not disputed by any claimant, the Ad Interim Stipulation shall stand as a stipulation for value and an appraisal shall not be required.

4. The Clerk of Court shall issue the attached Monition advising and admonishing all persons or corporations asserting claims for any and all losses, damages, injuries, deaths, or destruction allegedly resulting from the Incident, to file

their respective claims with the Clerk of Court, United States District Court for the Middle District of Florida, located at 801 North Florida Avenue, Tampa, Florida 33602 **on or before April 30, 2021**, and to serve or mail copies thereof to the Petitioner's attorneys, David N. Gambach and Evan S. Gutwein of Hamilton, Miller, & Birthisel, LLP, 150 Southeast Second Avenue, Suite 1200, Miami, Florida 33131, or be defaulted. If any claimant desires to contest the Petitioner's right to exoneration from or limitation of liability, such claimant(s) shall file and serve on the Petitioner's counsel an answer to the complaint on or before said date, unless his/her claim has included an answer to the complaint so designated, or be defaulted.

5. The Notice of Monition in the form required by Supplemental Rule F and the Admiralty and Maritime Practices Manual shall be published in a newspaper of general circulation in Sarasota County once a week for four (4) consecutive weeks prior to the date fixed for the filing of claims in accordance with Supplemental Rule F and the Admiralty and Maritime Practice Manual.

6. No later than the date of the second weekly publication, the Petitioner shall mail a copy of said notice to every person or corporation known by the Petitioner to have a claim against them arising out of the Incident set forth in the complaint. In addition, the Petitioner shall mail said notice to the decedent at the decedent's last known address and also to any person who shall be known to have made any claim on account of such death.

7. The commencement or further prosecution of any action or proceeding against the Petitioner, the Vessel, or other property of the Petitioner with respect to any claims for which the Petitioner seeks exoneration from or limitation of liability herein, including any claim arising out of or incident to or connected with any loss, damage, injury, death, or destruction, more fully described in the complaint, be and the same is hereby restrained, stayed, and enjoined until the hearing and determination of this action.

8. Service of this Order as a restraining order in this District may be made in the usual manner as in any other federal district by delivery by the United States Marshal of a certified copy of this Order on the person(s) to be restrained or to their respective attorney(s), or alternatively, by mailing a conformed copy of the Order to the person(s) to be restrained or to their respective counsel.

DONE and ORDERED in Tampa, Florida, this 17th day of February 2021.


HONORABLE CHRISTOPHER P. TUIE
United States Magistrate Judge

Copies to:
Counsel of record